

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-0472V

UNPUBLISHED

AMY LANGE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 17, 2021

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Tetanus Diphtheria  
acellular Pertussis (Tdap) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for  
Petitioner.*

*Sarah Christina Duncan, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On April 20, 2020, Amy Lange filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result of a Tetanus (“Tdap”) vaccine that was administered to her on December 11, 2017. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 10, 2021, Petitioner filed a Motion for Ruling on the Record (“Motion”) regarding entitlement to compensation. ECF No. 23. On June 15, 2021, Respondent filed

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<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

a combined Rule 4 report/Response to Petitioner's Motion ("Rule 4/Response") in which he concedes that Petitioner is entitled to compensation in this case. Rule 4/Response at 2. Specifically, Respondent "concluded that [P]etitioner's injury is consistent with SIRVA as defined by the Vaccine Injury Table." *Id.* at 7. Respondent further agrees that "[P]etitioner suffered the residual effects of her condition for more than six months. *Id.* at 8.

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran

Chief Special Master